IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23450 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PITAMBERBHAI JADAVBHAI SONANI - Petitioner(s)
Versus
PURSHOTTAMBHAI JADAVBHAI SONANI & 1 - Respondent(s)

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Appearance :

MR ASHISH M DAGLI for Petitioner(s) : 1,
MR KETAN A DAVE for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 15/12/2006

ORAL JUDGMENT

1. At the time of hearing of this petition Mr. Ketan Dave, learned advocate of respondent no.1 / original defendant no.1 of Regular Civil Suit no. 170 of 2004 in the Court of learned Civil Judge (JD), Gadadha, District Bhavnagar, states that the petitioner herein has, by filing

a purshis at exh.45, sought permission to withdraw Regular Civil Suit No. 170 of 2004, and on the basis of the said purshis, the learned Civil Judge (JD) has permitted the petitioner to withdraw the suit, and accordingly the said suit is disposed of as withdrawn. Therefore, this petition, which is arising out of Regular Civil Suit no. 170 of 2004 does not assume any survival value. He, therefore, urged to pass appropriate order disposing of the petition. He has also placed on record the certified copy of the purshis exh. 45 as well as certified copy of the plaint and also the order passed by the learned Civil Judge wherein the learned Civil Judge has recorded the order of disposal of the Suit.

2. In view of the aforesaid state of affairs, since Regular Civil Suit no. 170 of 2004 has been disposed of, this petition has now become infructuous and accordingly it is disposed of as having become infructuous, with no order as to costs. Rule is discharged.

3. The certified copy of the purshis exh. 45, as well as copy of the Plaint and also the order passed by the learned Civil Judge (JD), Gadadha, District Bhavnagar, beneath the same, shall be taken on record of the case.

(A.M.Kapadia,J)

Jayanti*